

SEP 15 2006

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Signature:

(Lekha Gopalkrishnan)

Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 1600

PATENT

Attorney Docket No. 064422-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ying MA, *et al.*

Application No.: 10/079,443

Filed: February 19, 2002

For: MESOPOROUS COMPOSITIONS
FOR USE IN DRUG DELIVERY

Confirmation No.: 9165

Art Unit: 1616

Examiner: Edward J. Webman

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 15, 2006, finally rejecting the pending claims.

09/18/2006 TL0111 00000094 500310 10079443

01 FC:2253 510.00 DA
02 FC:2401 250.00 DA

ATTORNEY DOCKET NO.: 064422-5002

Application No.: 10/079,443

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1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

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☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Please charge Deposit Account No. 50-0310 in the amount of \$510.00 for the three months extension fee.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)(1)

☒ The Commissioner is authorized to charge the appeal fee of \$250.00 to Deposit Account No. 50-0310.

3. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$760.00 for the Notice of Appeal fee and Three Month Extension of Time Fees.

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4. Constructive Petition

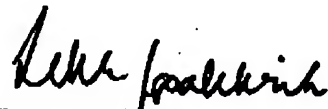
- ☒ Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 15, 2006

By:

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COMMENTS

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Application No. 10/079,443

Notice of Appeal Attached